

REMARKS

Claims 1-22 were considered by the Examiner. Claims 1-22 stand rejected by the Examiner. In this response, claims 1-11 have been amended. Claims 1-22 are pending, and are believed to be allowable over the references cited by the Examiner as discussed below.

Claim Rejections under 35 USC Sec. 101

Claims 1-11 are rejected under 35 U.S.C. 101 because the claims are directed to methods not eligible as a process under 35 U.S.C. 101.

Claims 1-11 have been amended to be directed at computer readable storage mediums eligible for patenting under 35 U.S.C. 101. Applicant respectfully requests the withdrawal of the rejections of claims 1-11 under 35 USC Sec. 101.

Claim Rejections under 35 USC Sec. 103

Claims 1, 5, 7-9, 11-12, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewan (USPN 7,043,008) in view of Chan et al (US Patent No. 6, 600, 821).

Claim 1 teaches a computer readable storage medium storing instructions that when executed by a computer cause the computer to perform a method for generating a voice activity performance metric, the method including detecting voice activity on at least one of a receive and a transmit channel in a communications system, and outputting voicing decision outputs based on the step of detecting. The method further includes storing the voicing decision outputs over a period of time to memory, and generating a voice activity performance metric including *a duration of voice activity* based on the voicing decision output stored in the memory.

Neither Dewan nor Chan, either alone or in combination teach generating a voice activity performance metric including *a duration of voice activity* based on the voicing decision output stored in the memory.

Examiner acknowledges Dewan does not teach generating a voice activity performance metric including a duration of voice activity based on the voicing decision output stored in the memory.

Chan does not generating a voice activity performance metric including *a duration of voice activity* based on the voicing decision output stored in the memory. Rather, Chan merely teaches monitoring a duration of the call. As cited by Examiner, Chan at Col. 4, lines 46-53 merely teaches monitoring whether the call has been of a long duration. Simply monitoring the duration of the call is a known prior art technique as described by the Applicant in the Background of the Invention at paragraph [0004].

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1.

Claim 12

Claim 12 teaches a system including a voice activity detector (VAD), a memory to store outputs from the VAD, and a voice activity analyzer. The VAD is configured to detect voice activity on at least one of a receive and a transmit channel in a communications system. The voice activity analyzer is configured to generate a performance metric including *a duration of voice activity* based on the VAD outputs stored in the memory.

Neither Dewan nor Chan, either alone or in combination teach a voice activity analyzer configured to generate a performance metric including *a duration of voice activity* based on the VAD outputs stored in the memory.

Examiner acknowledges Dewan does not teach generating a voice activity performance metric including a duration of voice activity based on the voicing decision output stored in the memory.

Chan does not generating a voice activity performance metric including a *duration of voice activity* based on the voicing decision output stored in the memory. Rather, Chan merely teaches monitoring a duration of the call. As cited by Examiner, Chan at Col. 4, lines 46-53 merely teaches monitoring whether the call has been of a long duration. Simply monitoring the duration of the call is a known prior art technique as described by the Applicant in the Background of the Invention at paragraph [0004].

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 12.

Claims 5, 7-9, 11, 17-20, and 22

Claims 5, 7-9, 11, 17-20, and 22, which depend variously from independent claims 1 and 12, are believed to be allowable for at least similar reasons as those discussed above. Withdrawal of the rejection of claims 5, 7-9, 11, 17-20, and 22 under 35 U.S.C. §103(a) is respectfully requested.

Claims 2-4, 6, 10, 13-16, and 21

Claims 2-4, 6, 10, 13-16, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dewan in view of Chan and further in view of Maloney et. al. (USPN 5,696,811).

However, Maloney does not make up for the deficiencies of Dewan discussed above. Because claims 2-4, 6, 10, 13-16, and 21 are dependent variously from independent claims 1 and 12, they are also believed to be allowable for at least similar reasons as those discussed above.

Furthermore, Maloney does not teach or suggest generating a performance metric based on a duration of voice activity. Thus, applicant respectfully submits that Maloney does not teach or suggest generating a performance based metric based on duration of voice activity on a transmit and/or receive channel as taught by claims 2-4, 6, 10, 13-16, and 21.

Withdrawal of the rejection of claims 2-4, 6, 10, 13-16, and 21 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, allowance of the pending claims is respectfully requested.

Respectfully submitted,

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